

the unassociated funerary object or sacred object;

"(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

"(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

"(c) STANDARD OF REPATRIATION.—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

"(d) MUSEUM OBLIGATION.—Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this Act.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this Act.

"(f) NATIVE HAWAIIAN ORGANIZATION DEFINED.—For purposes of this section, the term 'Native Hawaiian organization' has the meaning provided that term in section 2(11) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(11))."

SEC. 5. SPECIAL COMMITTEE.

Section 12 (20 U.S.C. 80q-10) is amended—

(1) in the first sentence of subsection (a), by inserting "and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 11A" before the period; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "five" and inserting "7";

(B) in paragraph (1)—

(i) by striking "three" and inserting "4"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

"(2) at least 2 members shall be traditional Indian religious leaders; and"

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 569, S. 1972.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1972, a bill to amend the Older Americans Act. S. 1972 makes technical corrections to the Act to clarify and improve the provisions relating to older Native Americans.

Mr. President, many older Native Americans have benefited from programs authorized under the Older Americans Act. Indian tribes have provided much needed home-based care, meals and services to elderly tribal members living on Indian reservations and in nearby communities. In most cases, older Native Americans live in remote and isolated communities with little or no access to a grocery store, telephone, health care and other important services. Through the Older Americans Act, nutrition and support services can be provided to older Native Americans in their homes and communities on a daily basis.

However, many of these services can be strengthened to ensure that Indian tribes are able to tailor nutritional and supportive programs to the cultural and geographic characteristics of their communities. Often, employment and nutrition programs are difficult to administer in Indian country because of the remoteness of the service area and the unique character of Indian cultures. The changes in S. 1972 will ensure that Indian tribes and tribal organizations serving Native American elders will be afforded maximum flexibility in administering employment and nutrition programs to ensure that they are appropriate to the unique characteristics of the Indian communities.

Mr. President, I have proposed a minor technical change to the bill as it was reported in the Committee on Indian Affairs. This amendment to Section 2 of the bill is necessary to clarify that the proposed change to the definition of "reservation" will not alter any existing eligibility for Indians living near an Indian reservation.

Mr. President, I wish to express my appreciation to Senators INOUE and STEVENS, who joined me in sponsoring this legislation and my colleagues in the Senate who voted to pass S. 1972. This Act will bring us closer to meeting the goals of the Older Americans Act to ensure that older Native Americans will continue to benefit from the services provided by the Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1972) was deemed read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

PANAMA NEW BASE RIGHTS NEGOTIATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of calendar No. 268, S. Con. Res. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 14) urging the President to negotiate a new base rights agreement with government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 5202

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. HELMS, proposes an amendment numbered 5202.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 3, line 3, strike all through the period on page 4, line 3, and insert the following:

(1) The President should negotiate a new base rights agreement with the Government of Panama—

(A) taking into account the foregoing findings; and

(B) consulting with the Congress regarding any bilateral negotiations that take place.

Mr. HELMS. Mr. President, I do hope the Senate will approve this resolution urging the President to negotiate an agreement with Panama to permit United States Armed Forces to maintain a presence in that country beyond the year 2000.

The Panama Canal treaties state that unless we pursue an agreement with Panama, the United States military must complete the withdrawal of its forces from Panama by the date. Imagine, if you can, the U.S. flag coming down for the last time on December 31, 1999—ending a special and unique relationship that has lasted almost a century. This must not be allowed to happen.

The Panama Canal treaties provide for a continued United States military presence—if both parties express an interest.